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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q68455

Juergen SIENEL, et al.

Appln. No.: 10/069,612

Group Art Unit: 2654

Confirmation No.: 3431

Examiner: Qi HAN

Filed: February 27, 2002

For: TELECOMMUNICATION SYSTEM, SPEECH RECOGNIZER, AND TERMINAL,
AND METHOD FOR ADJUSTING CAPACITY FOR VOCAL COMMANDING (As
Amended)

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellants respectfully submit
this Reply Brief in response to the Examiner's Answer dated March 4, 2005. Entry of this Reply
Brief is respectfully requested.

Table of Contents

STATUS OF CLAIMS	2
GROUND OF REJECTION TO BE REVIEWED ON APPEAL	3
ARGUMENT	4
CONCLUSION.....	7

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No. 10/069,612

STATUS OF CLAIMS

Claims 1-14 are pending, are rejected, and are the subject of this appeal. Claims 1-14 were set forth in their entirety in the Claims Appendix submitted with Appellants' Brief on Appeal filed on November 15, 2004.

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No. 10/069,612

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barzegar et al. (USP 6,363,079; hereafter “Barzegar”).

ARGUMENT

As a preliminary matter, Appellant notes that the Examiner is incorrect in stating that the November 15, 2005 Appeal Brief “does not contain a statement identifying the related appeals and interferences.” Section II (Related Appeals and Interferences) on page 2 of the November 15, 2004 Appeal Brief states that “[t]here are no other prior or pending appeals, interferences or judicial proceedings known to Appellant, the Appellant’s legal representative, or Assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.”

In the “Response to Argument” section of the Examiner’s Answer, the Examiner responds to the Appeal Brief by stating:

Barzegar discloses detecting and handling signaling data (column 13, lines 3-8) that includes indication signal from user terminal, voice recognition functions (here meaning speech recognition) for spoken commands (voice commanding) (column 10, lines 25-44), providing high priority to voice communications by the ISD 22 by providing a bandwidth on demand (column 13, lines 40-45) that necessarily includes a mechanism (adjustor) "for adjusting a variable capacity parameter", since bandwidth-on-demand must provide a capacity related parameter, such as bandwidth or transmission rate, for implementing the functionality, therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to provide a system of combining all above prior art teachings and suggestions, so that the combined system provides all capabilities as rejected for the claim(s) (see details in the claim rejection).¹

¹ March 4, 2005 Examiner’s Answer at page 8.

However, Appellant respectfully submits that simply disclosing the conventional features of speech recognition in a voice dialing scenario (e.g., see column 10, lines 40-45 and column 15, lines 1-30 of Barzegar) and giving bandwidth allocation priority to voice calls over data transfers (e.g., see column 13, lines 40-45 and column 14, lines 13-38 of Barzegar) does not provide the requisite motivation for one of ordinary skill in the art to modify Barzegar to produce the claimed invention, i.e., to adjust a variable capacity parameter for vocal commanding based on an indication signal from a terminal. In other words, Barzegar does not disclose or suggest a voice dialing scenario where bandwidth might be adjusted for the voice dialing based on an indication signal from a terminal, or provide any motivation to combine a particular bandwidth allocation with the voice dialing scenario in order to adjust a variable capacity parameter for the voice dialing based on an indication signal from a terminal.

In the "Response to Argument" section of the Examiner's Answer, the Examiner further states:

Barzegar further discloses that 'the data stream will contain signaling information (unless a voice-activated dialing feature is being used)' (column 12, lines 58-59); and 'the controller multiplexer may response (detect) to the signaling information (indication signal) by transmitting a request for bandwidth (reads on adjusting a capacity parameter) to the NSP 36 [46]' (column 18, lines 8-9), which suggests that signaling information involves requesting bandwidth (necessarily having a bandwidth related parameter, which reads on variable capacity parameter) and voice-activated dialing may be used for replacing or being part of the signaling information, so that this can also satisfies and reads on the claimed "adjusting a capacity parameter for the vocal commanding based on the indication signal, as

required further provides evidence for the rejection".²

However, as the Examiner correctly notes Barzegar teaches that "the data stream will contain signaling information (unless a voice-activated dialing feature is being used)" (emphasis added). Further, the portions of Barzegar cited by the Examiner simply relate to the conventional process of setting up a call or data transfer request which necessarily requires the initial step of allocating bandwidth for call or data transfer (i.e., the call or data transfer cannot be established unless there is an available bandwidth). Accordingly, Appellant respectfully submits that Barzegar does teach, suggest or provide any motivation to transmit to adjust a variable capacity parameter for voice commanding based on an indication signal from a terminal.

In view of the above, Appellant respectfully submits that claims 1-14 should be allowable because the cited reference does not teach or suggest all of the features of the claimed invention, and one of ordinary skill in the art would not have been motivated to modify the reference's teachings to produce the claimed invention. Accordingly, it is requested that the rejection of the claims be reversed and the claims passed to issue.

² March 4, 2005 Examiner's Answer at page 9.

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No. 10/069,612

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.


Respectfully submitted,

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